

**COCHISE COUNTY PLANNING & ZONING COMMISSION
MINUTES**

Wednesday, November 18, 2009

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chair Basnar at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors Board Room.

ROLLCALL

Roll Call.

Present: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Absent/Excused: Duane Brofer, Rusty Harguess, Cruz Silva.

Chair Basnar noted the presence of a quorum. He then introduced the Commissioners to the public. Chair Basnar then explained to the audience the procedures for considering a docket.

APPROVAL OF THE MINUTES

(Call for motion to approve the minutes of October 13, 2009 Meeting)

Motion, Action: Approve, **Moved by** Jim Martzke, **Seconded by** Gary Brauchla.

Vote: Motion passed (**summary:** Yes = 4, No = 0, Abstain = 2).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell.

Abstain: Don Hudgins, Pat Edie.

CALL TO THE PUBLIC

Chair Basnar opened the meeting to the public,

Jack Cook stated he has concerns about SPAM.

Chair Basnar closed the "Call to the Public"

Item 1

Docket SU-09-19: Planner Keith Dennis presented the docket for a Special Use Permit to establish and operate an audio and video recording studio in an existing 1,500 square foot garage on a 16-acre property in Hereford. The studio would include a 50-foot tall wireless communication tower, which the Applicant would use to transmit data over the internet to other studios, for internet media streaming, and other web-related activities. The relevant Sections of the Zoning Regulations are: Professional Services (607.26) and Wireless Communication Tower (607.38). The subject parcel (Parcel # 104-82-024L) is located at 6130 S. Kino Road in Hereford, AZ. Mr. Dennis presented maps showing the location of the property, a site plan of the proposal, and he presented photos showing the property and

location on the property. He further explained factors in favor and against. He stated there were 5 letters in support and 5 letters protesting the proposal. Mr. Dennis explained the neighbors concerns to the proposal.

Curt Vincent, Applicant, stated he wants to build a viable studio, and explained how the recording studio would be used. He explained there would be little traffic as the studio would only be used by one person at a time.

Member Brauchla asked what the tower would look like.

Mr. Vincent stated it would be triangular poles approximately 18" in diameter.

Chair Basnar opened the meeting to the public.

Michael Erickson stated he lives near the property and supports the proposal.

Carol Welsh stated she lives near the property and the Applicants have been good neighbors. They help the neighborhood financially when money is raised for road improvements. She further stated she supports the proposal.

Chair Basnar closed the meeting to the public.

Planner Keith Dennis stated staff recommends approval of the Special Use, with the conditions stated in the staff memo.

Motion: Based on factors in favor, with the conditions and modifications stated in the staff report, **Action:** Approve, **Moved by** John Wendell, **Seconded by** Pat Edie.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Item 2

Motion: Remove item from table,

Action: Remove, Moved by Jim Martzke, Seconded by Gary Brauchla.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Docket SU-09-17: Planner Michael Turisk presented the docket for a Special Use Permit in an RU-4 zoning district (Rural; minimum lot size 4 acres) for vehicle storage and business office activities related to the operation of 'Yaqui Electric', pursuant to Sections 607.13 (contract construction services) and 607.26 (personal and professional services) of the County Zoning Regulations, respectively. A Special Use Permit has been requested with the intent of legitimizing the office and vehicle storage activities related to the commercial use. The 5-acre subject parcel (tax parcel id# 107-15-031C) is located at 8435 E. Madera Dr. in Hereford (approximately ½-mile north of E. Ramsey Rd.) Mr. Turisk explained the surrounding zoning and presented maps, aerial photos, and photos of the property and

surrounding area. He further explained the factors in favor and against; he stated staff had received 11 letters in support and 5 letters in opposition.

John Morales, Applicant, stated the storage containers have been removed from the property. He further stated they would like to continue to operate the business as it has been for the last 26 years.

Project Manager for Yaqui Electric, stated moving the business at this time with the economy would cause a hardship for the business. He further stated that most of the traffic to the property is on Monday morning when the employees are getting their tasks for the week, and on Fridays when the employees pick up their paycheck.

Member Wendell asked if the storage containers were gone for good.

Mr. Morales stated he has no intention of bringing them back without the proper permits.

Chair Basnar opened the meeting to the public, there was no one wishing to speak, he closed the meeting to the public.

Mr. Turisk stated that staff recommends approval of the Special Use with the conditions stated in the staff report. He further stated staff recommends modifications and waivers presented in the staff report but that modification no.2 would be deleted as the storage containers have been removed.

Motion: Approve the Special Use with the conditions, modifications and waivers stated by staff, **Action:** Approve, **Moved by** Don Hudgins, **Seconded by** Jim Martzke.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Item 3

Z-09-06, Guerrero: Planner Michael Turisk presented the docket for a request to rezone a 1.75-acre parcel near to incorporated Douglas from R-9 (Residential, minimum lot size 9,000 sq.-ft) to NB (Neighborhood Business, minimum lot size 3,600 sq.-ft.) to allow sale of hay to individual customers and to store hay on the premises for those customers. The NB Districts allow for a maximum retail sales floor area of 2,500 sq.-ft. for permitted principal uses; the Applicant has proposed a sales floor area of approximately 1,600 sq.-ft. The subject parcel (tax id# 408-22-020) is located at 304 W. Crystal Ave., approximately ¼-mile west of incorporated Douglas. Mr. Turisk presented maps and photos of the area and explained the surrounding zoning. He further explained rezoning factors and factors in favor and against. Staff received 3 responses, 2 supporting and 1 in opposition.

Hector Hernandez, agent for the Applicant, stated there will be no livestock boarded on the property. He further stated the goats would be moved to meet the setbacks.

Chair Basnar opened the meeting to the public, being there was no one wishing to speak; he closed the meeting to the public.

Mr. Turisk stated staff recommends approval of the rezoning with the conditions stated in the staff report.

Motion: Forward a recommendation of approval to the Board of Supervisors for approval with the conditions stated by staff. **Action:** Approve, **Moved by** John Wendell, **Seconded by** Jim Martzke.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Item 4

Docket SU-09-20: Planning Manager Susana Montana presented the docket for a Special Use Permit to operate a 40,000 sq.ft. vehicle impound yard located approximately 560 feet south of the northern property line (Gleeson Rd frontage) and 770 feet west of the eastern property line on one-acre of a 125-acre parcel at 4773 W. Gleeson Road in the rural area of Elfrida. The property is further described as being situated in Township 20, Range 26 and Section 18 of the G&SRB&M, Cochise County, Arizona. The impound yard would be fenced and screened with a 6-foot tall solid metal perimeter wall with 2-feet of rolled razor wire on top for a total 8 foot tall fence and shielded security lighting. The towing would occur 5 days a week between 8 AM and 5 PM. The yard surface material would be gravel. The owners of the property, Elbert and Vivian Ruth Ogier, live on the Site and would lease the 1-acre to the Applicant for this purpose. Ms. Montana presented the conditions stated in the staff report and the factors in favor and against the proposal. Staff received 3 letters in support of the proposal and no letters in opposition.

Robert Burk, Applicant, stated he been asked by law enforcement agencies to run a impound yard for the cars seized.

Chair Basnar opened the meeting to the public, being the was no one who wished to speak, he closed the meeting to the public.

Member Edie stated she had been to the site and was a very neat and clean site.

Ms. Montana stated staff recommends conditional approval.

Motion: Approve with the factors in favor the findings in fact with the conditions stated by staff.

Action: Approve, **Moved by** Jim Martzke, **Seconded by** Pat Edie.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Item 5

Docket Z-09-07: Planner Keith Dennis presented the docket to rezone parcel 102-31-084B from TR-18 (Residential, 1 dwelling per 18,000 square feet) to GB (General Business), to

correct an error in the original 1975 zoning designation of the parcel to TR-18. The bar/restaurant structure/use on Parcel 102-31-084 had existed since 1961 (La Ramada). The 0.76-Acre subject property was subsequently split from Parcel 084 and became 084B. The restaurant/bar later lost its legal-nonconforming status due to a two-year closure. The owner seeks to re-establish the use on the property as restaurant/bar, but the rezoning would not be limited to the bar/restaurant structure/use, but would allow any permitted or special use in a GB District, as noted below. The subject parcel is located at 1948 S. Naco Highway in Bisbee, AZ. Mr. Dennis presented photos of the property and explained the zoning in the area. He further stated staff received 1 letter of support and 1 letter in opposition.

Chair Basnar opened the meeting to the public,

Jack Cook stated he went to the property for potlucks when he was growing up in the area.

Chair Basnar closed the meeting to the public.

Mr. Dennis stated staff recommends conditional approval with the conditions stated in the staff report.

Motion: Forward the docket to the Board of Supervisors for approval with the conditions stated by staff. , **Action:** Approve, **Moved by** Don Hudgins, **Seconded by** Jim Martzke.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Item 6

Dockets SU-91-14 and SU-01-03: Planning Manager Susana presented a staff-initiated request to revoke the Special Use Permit authorizations for a private airstrip, aircraft hangers, health training and indoor and outdoor activities, and a 40-space RV Park on a 160-acre parcel, Parcel No.108-08-009, located at 2940 to 2944 N. Four Pillars Road in the Tombstone/Whetstone area. The revocation is sought due to the failure of the Applicants to meet the conditions of approval for either permit. Ms. Montana presented photos of property and surrounding area.

Robin Stoddard, agent for the Applicant, stated the Applicant is not able financially to continue with the RV Park, and Bible College, but would like to continue to secure the proper permits to use the airstrip.

Mrs. Vos stated she would like to keep her dream of the project alive; she is optimistic but with a bad economy cannot go forward with the permits.

Mike Jackson asked about the violation, and asked if a touch and go landings would be considered more than one flight a day.

Mr. Stoddard stated this is to be a private use airstrip not used as a commercial airstrip.

Ms. Montana stated that staff feels the Applicant does not want to go forward with the 2001 application there fore go forward with the revocation; however staff feels the Planning Department could retain the 1991 Special Use for just the private landing strip.

Member Wendell stated he feels the Planning Department has been to lenient with the Applicant, and the Special use applications from 1991 and 2001 should be revoked, and if the Applicant wants to go forward, they would reapply.

Chair Basnar Agreed.

Member Martzke also agreed.

Motion: To revoke the 1991 & 2001 Special Use applications, **Action:** Revoke, **Moved by** Jim Martzke, **Seconded by** Don Hudgins.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Director's Report on Pending and Recent Matters and Future Agenda Items

1. Board of Supervisors Actions included the wind zoning amendment, and solar zoning amendments were approval. The Board of Supervisors approved the appeal for Jenson auto repair, and the Knee Deep Partners appeal was denied. The Bowie Power Plant request for an extension was also approved. There is a work session on November 19th on the owner builder opt out. Would the Commission be available for a joint work session with the Board.
2. Next month's Dockets; there will be four dockets.

CALL TO COMMISSIONERS

ADJOURNMENT

Motion: Adjourn at 6:32 p.m. , **Action:** Adjourn, **Moved by** Don Hudgins, **Seconded by** Pat Edie.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.